

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
NO. 4:04-CR-56-1H

UNITED STATES OF AMERICA, )  
                              )  
                              )  
v.                         )  
                              )  
                              )  
SCOTTIE L. WHITAKER.      )

**ORDER**

This matter is before the court on defendant's motion for a Writ of Audita Querela [de #225].

The court has carefully reviewed defendant's motion, as well as the record in this matter, and finds the motion to be without merit. Defendant previously filed a motion on these same grounds, which this court found to be a successive § 2255 motion and instructed defendant to seek authorization from the Fourth Circuit. Defendant has not shown that he sought such authorization or that a writ of audita querela is the proper method. Therefore, the motion [DE #225] is DENIED.

This 10<sup>th</sup> day of December 2020.



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Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
#26